

# Land Use

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## *Overview*

The patterns of settlement in the Delta reflect the history of immigration into the State in the late 19th century. The settlement pattern was historically, and remains to this day, closely associated with the rivers, sloughs, and waterways of the Delta, and with the configuration of agricultural lands. One incorporated city, Isleton, and portions of other incorporated cities including Stockton, Antioch, Oakley, Sacramento, West Sacramento, Elk Grove, Tracy, Lathrop and Pittsburg, are located within or just outside of the Secondary Zone; and Rio Vista is located partially within the Primary Zone, but not within the Secondary Zone. Unincorporated towns lying along the Sacramento River in the Primary Zone include Clarksburg, Courtland, Hood, Locke, Walnut Grove, and Ryde. These towns serve as social and service centers for the surrounding farms and historically served as shipping sites for products. These rural communities reflect the diverse heritage of the Delta.

The five Delta counties (Solano, Yolo, Sacramento, San Joaquin, and Contra Costa) designate Primary Zone lands for agriculture or special Delta resources in their respective general plans. The zoning codes for the five Delta counties allow a variety of uses in the Primary Zone including agriculture and agriculturally-oriented uses; outdoor recreation; wildlife habitat; public facilities; and limited areas for commercial, industrial, and rural residential development.

The two Delta ports, Sacramento and Stockton, own hundreds of acres of land along their respective shipping channels. Some of these lands are used for dredge material disposal and some have been or will be used for habitat mitigation sites.

Sherman Island, Twitchell Island, Staten Island, portions of the Yolo Bypass (e.g., Vic Fazio Wildlife Area) and McCormack-Williamson Tract are held as conservation lands and are currently operated as farmlands. A number of conservation easements and mitigation banks will also be created under local Habitat Conservation Plans and Natural Communities Conservation Plans. Since 1990, urban and other land uses in the Secondary Zone have gained substantial acreage while agricultural land use has declined. Other land uses within the Secondary Zone include conservation areas, low-density rural developments, natural areas not suitable for livestock grazing, and other non-agricultural areas.

The periphery of the Delta is undergoing rapid urbanization associated with substantial population growth. Current and future population growth increases the demand for developable land, particularly in areas near the Bay area, Stockton, and Sacramento. This demand results in the conversion of open space, primarily agricultural land, to residential and commercial uses. Increasing concern exists regarding the potential for urbanization and projects in the secondary zone to impact the Primary Zone.

In addition to numerous local, national and international factors affecting the profitability of farming in the Delta, the acquisition of farmed land and subsequent retirement of that land affects the economic base for farm support industries; the economic base for community businesses that rely on patronage from citizens working in farm or farm support industries; the

tax and assessment base for special districts, counties, and the State; and the existing wildlife use patterns that have adapted to agricultural land use patterns.

### ***Goals***

Protect the unique character and qualities of the Primary Zone by preserving the cultural heritage, strong agricultural/economic base, unique recreational resources, and biological diversity of the Primary Zone. Direct new non-agriculturally oriented non-farmworker residential development within the existing unincorporated towns (Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde).

Encourage a critical mass of farms, agriculturally-related businesses and supporting infrastructure to ensure the economic vitality of agriculture within the Delta.

### ***Policies***

#### **P-1.**

The rich cultural heritage, strong agricultural/economic base, unique recreational resources, and biological diversity of the Delta shall be preserved and recognized in public/private facilities, such as museums, recreational trails, community parks, farm stands, community centers, and water access facilities within the Delta.

#### **P-2.**

Local government general plans, as defined in Government Code Section 65300 et seq., and zoning codes shall continue to promote and facilitate agriculture and agriculturally-supporting commercial and industrial uses as the primary land uses in the Primary Zone; recreation and natural resources land uses shall be supported in appropriate locations and where conflicts with agricultural land uses or other beneficial uses can be minimized.

#### **P-3.**

New non-agriculturally oriented residential, recreational, commercial, habitat, restoration, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing adjacent agricultural parcels. Buffers shall adequately protect integrity of land for existing and future agricultural uses and shall not include uses that conflict with agricultural operations on adjacent agricultural lands. Appropriate buffer setbacks shall be determined in consultation with local Agricultural Commissioners, and shall be based on applicable general plan policies and criteria included in Right-to-Farm Ordinances adopted by local jurisdictions.

#### **P-4.**

Direct new non-agriculturally oriented non-farmworker residential development within the existing unincorporated towns (Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde).

#### **P-5.**

Local government general plans shall address criteria under which general plan amendments in the Primary Zone will be evaluated under Public Resources Code Section 29763.5. Proposed

amendments to local government general plans for areas in the Primary Zone shall be evaluated in terms of consistency of the overall goals and policies of the Land Use and Resource Management Plan.

**P-6.**

Subsidence control shall be a key factor in evaluating land use proposals. Encourage agricultural, land management, recreational, and wildlife management practices that minimize subsidence of peat soils. Local governments should utilize studies of agricultural and land management methods that minimize subsidence and should assist in educating landowners and managers as to the value of utilizing these methods.

**P-7.**

New structures shall be set back from levees and areas that may be needed for future levee expansion consistent with local reclamation district regulations and, upon adoption, with the requirements to be identified in the California Department of Water Resources Central Valley Flood Control Plan.

**P-8.**

Local government policies regarding mitigation of adverse environmental impacts under the California Environmental Quality Act may allow mitigation beyond county boundaries, if acceptable to reviewing fish and wildlife agencies and with approval of the recipient jurisdiction, for example in approved mitigation banks or in the case of agricultural loss to mitigation. Mitigation in the Primary Zone for loss of agricultural lands in the Secondary Zone may be appropriate if the mitigation program supports continued farming in the Primary Zone. California Government Code Section 51256.3 (Assembly Bill 797) specifically allows an agricultural conservation easement located within the Primary or Secondary Zone of the Delta to be related to Williamson Act contract rescissions in any other portion of the secondary zone without respect to County boundary limitations.

**P-9.**

The implementation of the policies contained in the resource management plan shall not be achieved through the exercise of the power of eminent domain unless requested by the landowner.

**P-10.**

Maintain sites for the storage of dredged material from channels within the Delta and discourage the conversion of existing sites to other uses, as appropriate. Soil that is suitable for levee rehabilitation and raising Delta lowlands should remain within the Delta.

**P-11.**

Local governments may develop programs to cluster residential units that allow property owners to engage in limited property development in order to ensure the efficient use and conservation of agricultural lands, support open space values, and protect sensitive environmental areas in the Primary Zone. Clustered development occurs when contiguous or non-contiguous parcels are developed to cluster lots for residential use. The purpose of clustered development is to provide a mechanism to preserve agricultural land and open space, to locate housing in areas that can readily be served by public services and utilities, and provide the agricultural community an

alternative to transfer of development rights. Clustered development programs shall ensure that the number of clustered lots created does not exceed the allowable density requirement for the zoning of the sum of the parcels. Clustered development may only be used one time. Neither the clustered lots nor the remainder lots may be further subdivided. Residential development shall be consistent with local General Plan policies and zoning regulations and standards.

**P-12.**

Local governments may develop transfer of development rights (TDR) programs that allow land owners to transfer the development right from one parcel of land to another. The purpose of these TDR programs would be to ensure the efficient use and conservation of agricultural lands, to support open space values, and to protect sensitive environmental areas within the Primary Zone. This purpose would be achieved by relocating development rights within the Primary Zone to more suitable areas such as adjacent to or within existing urban areas within or outside of the Primary Zone, or to provide expanded opportunities for affordable farm worker housing. TDR programs shall ensure that the transferred development density does not exceed the development density identified for the zoning for the sending parcel, and that any farm worker housing is restricted and regulated for that purpose. The land upon which the development rights are transferred from would be restricted with a permanent conservation easement. Receiving areas must have the infrastructure capacity, public services and utilities to absorb the new development.

**P-13.**

Support the implementation of appropriately located agricultural labor camps and housing that serve agricultural operations, which are constructed and sited consistent with Sections 17021.5 and 17021.6 of the California Health and Safety Code and consistent with the requirements of local building codes.

**P-14.**

The conversion of an agricultural parcel, parcels, and/or an agricultural island for water impoundment, including reservoirs, water conveyance or wetland development may not result in the seepage of water onto or under the adjacent parcel, parcels, and/or island. These conversions shall mitigate the risks and adverse effects associated with seepage, levee stability, subsidence, and levee erosion, and shall be consistent with the goals of this Plan.